

Appl. No. 10/651,629

Reply to Office Action of April 8, 2005

REMARKS

In the April 8, 2005 Office Action, claims 1-22 and 24-28 were rejected, and claim 23 was deemed objectionable. This Response amends claims 1 to 9, 11 to 20, and 22 to 28, and cancels claim 23. After entry of the foregoing amendments, claims 1 to 22 and 24 to 28 remain pending in the application, with claims 1, 11, and 22 being independent claims. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

A. Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 2 to 10, 12, 14 to 20, and 24 to 28 are rejected as being indefinite due to their inclusion of improper Markush claim language. Each of the claims that recited groups of components or steps is now amended to include a proper Markush claim introduction, including the phrase "selected from the group consisting of." Consequently, it is respectfully submitted that the indefiniteness rejections should be withdrawn.

B. Rejections Under 35 U.S.C. § 102(b)

Claims 1 to 7, 9, 11 to 18, 20, 22, and 24 to 27 are rejected as being anticipated by U.S. Patent No. 5,962,608 ("Ryang"). These rejections are respectfully traversed in view of the current amendment.

Each of the independent claims 1, 11, and 22 recites that a polymer material that is included in a flame retardant polymer composition comprises polyurethane, and Ryang fails to teach or suggest such a polymer material. Ryang is directed to polymers prepared from a mixture containing a polymerization material and a polycondensation produce of a partially hydrolyzed chelated metal oxide precursor. Ryang also teaches that the polymers may include a fire retardant. However, Ryang does not suggest in any manner that the polymerization material comprises polyurethane. Further, the office action indicates that claim 23, which recites that the polymer material comprises a polyurethane, would be allowed if rewritten in independent form.

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For this reason, the independent claims are amended to recite that the polymer material comprises polyurethane. It is therefore respectfully requested that the rejections under 35 U.S.C. § 102(b) be withdrawn.

C. Rejections under 35 U.S.C. § 103(a)

Claims 1 to 22, and 24 to 28 are rejected as being unpatentable over Ryang in view of U.S. Patent No. 3,941,908 ("Valia") or U.S. Patent No. 4,098,748 ("Moore"). These rejections are respectfully traversed for the same reasons previously discussed with respect to Ryang. Neither Valia nor Moore compensates for the deficiency in Moore of a teaching or suggestion that the polymer material in the fire retardant polymer composition comprises polyurethane. For at least this reason, it is respectfully requested that the rejections under 35 U.S.C. § 103(a) be withdrawn.

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D. Conclusion

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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Dated: July 8, 2005By: 

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